

## **STATUS OF THE CLAIMS**

Claims 1-40 are pending in the Application

Claims 1-40 are finally rejected by the Examiner.

Accordingly, reconsideration of the present Application is respectfully requested.

## **REMARKS**

### **Specification Objections Pursuant to 35 U.S.C. 132**

The specification stands objected to under 35 USC § 132, as introducing new matter into the disclosure. Applicant traverses this objection and herein amends the phrase “real time” to clarify the claims of the present application. Applicant nonetheless respectfully maintains that the phrase “real time” is supported by the specification as filed and thus is not new matter.

Applicant submits that this objection is overcome for at least these and the following reasons:

Claims 1, 13, 14, 23 and 32 have been amended to recite that the current underwriting criteria is applied commensurate in time with at least one other criteria. Support for this limitation can be found on pages 16-17 and 20 of the specification where it recites, by way of non-limiting example only:

Clicking on region 658 completes step 204 of the application process and completes the transmission of the application to the issuer. At this point, the system compares the data contained in the application with certain underwriting criteria contained in database 104 or in code in step 206 (see fig. 2). Although in the PC Web Embodiment certain data are compared with certain criteria at earlier stages of the application process (such as the maximum insurable value per system and per insured at Web page 330 and the state of coverage at Web page 306 as discussed above), in other embodiments, similar comparisons might be performed at this point. Also, the identity of the insured might optionally be checked against a list of frequent claimants to avoid fraudulent claims and a list of delinquent debtors to avoid credit losses, depending on the method of payment. Other comparisons with stored underwriting criteria could be performed as well, depending on the underwriting criteria ordinarily utilized by the insurer in question. Moreover,

although in the PC Web Embodiment the maximum insurable value per system is stored in code, in an embodiment involving more complex or varied underwriting criteria, such criteria might be stored in a database.

In any event, all of the criteria employed in connection with the evaluation of an application for any policy of insurance must be purely objective in nature so that the system may evaluate the application automatically without the need for human intervention.

Examples of acceptable data that may be elicited by the system are selections from lists stored in database 104 (such as a stored list of occupations), yes or no answers to specific questions, numbers, and dates. Other data may also be gathered from the applicant for claim processing or marketing purposes, but any narrative answers or non-objective data cannot be used in the application evaluation process.

Applicant thus respectfully submits that the above 35 U.S.C. §132 objection has been overcome.

#### **Claim Rejections Pursuant to 35 U.S.C. 112**

Claims 1 - 40 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Applicant traverses these rejections and deems them overcome for at least the same reasons as discussed above with regard to Examiner's objections pursuant to 35 U.S.C. § 132.

Applicant thus respectfully submits that the above 35 U.S.C. §112 first paragraph rejection has been overcome.

#### **Claim Rejections Pursuant to 35 U.S.C. 103**

Claims 1-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 4,831,526 to Luchs and "Instant Auto Insurance Quotes Now available at Quotesmith.com"

to Bland, in view of U.S. Patent No. 5,845,256 to Pescitelli, for substantially the same reasons given in the previous Office Action (paper number 16), and further in view of Lent. Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. 103(a) sets forth in part:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Hence, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure *re Vaeck*, 947 F2d 488, 20 USPQ2d 1438 (Fed. Cir. 1999).

Applicant respectfully submits that Luchs, Bland, Pescitelli and Lent fail to teach the approval or denial of an application based on, at least in part, current underwriting criteria available simultaneously and contemporaneously with applicant data and with other criteria. While Examiner admits that Luchs, Bland and Pescitelli fail to teach offering of a policy of insurance to the user based upon contemporaneous current underwriting criteria, Applicant further submits that Lent merely teaches the use of static third-party underwriting criteria. Lent teaches:

In one embodiment, a method of providing real time approval of credit over a network is disclosed. The method includes obtaining applicant data from an applicant. The applicant data is analyzed into a form suitable for directly obtaining a credit report from a credit bureau for the applicant. A credit report having credit report data is obtained from a credit bureau for the applicant. It is then determined whether to accept the applicant using the credit report data and it is communicated to the applicant that the applicant has been approved.

Thus, Lent fails to teach or suggest the use of current underwriting criteria within and simultaneously with the data of the application process. Rather, Lent merely uses data obtained in the application process to externally retrieve third-party underwriting information that is then compared against system thresholds. (see Lent, col. 4, lines 18-37). Therefore, Lent requires that internal data be compared against external data, hence necessitating an extra step not necessitated, and in fact taught away from, by the present invention. Rather, by incorporating current underwriting criteria with the other criteria and the data in the present invention, the present invention can manipulate all data at a substantially commensurate time, thereby approximating real time, and further, the present invention optimizes over the prior art by eliminating extra steps necessary in the prior art. In other words, Applicant submits Lent and Luchs and Bland and Pescitelli, neither individually nor in combination, teach or suggest the use of commensurate current underwriting criteria for the approval or denial of an application.

Wherefore, Applicant submits at least Claims 1, 13, 14, 23 and 32 are patently distinguishable over the prior art of record. Applicant further submits each of Claims 2-12, 15-22, 24-31 and 33-40 is similarly distinguishable over the prior art of record, at least by virtue of each Claim's ultimate dependency from a patentably distinct base Claim 1, 13, 14, 23 or 32.

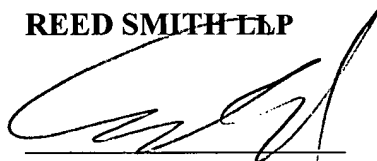
## **Conclusion**

Wherefore, Applicant believes he has addressed all outstanding grounds raised by the Examiner and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Alternatively, should the Examiner persist in any of the foregoing rejections, Applicant respectfully requests the Examiner: specifically identify and point out with particularity those exacting elements taught by the prior art references upon which the Examiner relies for teaching each claimed element of each rejected claim; and, identify those particular portions of the prior art references upon which he relies for support, so Applicant may be afforded an appropriate opportunity to deliberate and respond to any such rejection.

Respectfully submitted,

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